

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CAROL A. RIEHLE,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social  
Security,

Defendant.

No. CV-06-0093-CI

ORDER GRANTING STIPULATED  
MOTION TO REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)

BEFORE THE COURT is the parties' Stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 20.) The parties have consented to proceed before a magistrate judge. (Ct. Rec. 9.) After considering the Stipulation of the parties,

**IT IS ORDERED** that the above-captioned case be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will further evaluate Plaintiff's mental impairment in accordance with the special technique described in 20 C.F.R. § 416.920a, documenting application of the technique in the decision by providing specific

ORDER GRANTING STIPULATED MOTION TO REMAND PURSUANT TO SENTENCE  
FOUR OF 42 U.S.C. § 405(g) - 1

1 findings and appropriate rationale for each of the functional areas  
2 described in 20 C.F.R. § 416.920a. The ALJ will give further  
3 consideration to the treating and examining source opinions pursuant  
4 to the provisions of 20 C.F.R. § 416.927 and Social Security Rulings  
5 96-2p and 96-5p and nonexamining source opinions pursuant to the  
6 provisions of 20 C.F.R. § 416.927(f) and Social Security Ruling 96-  
7 6p, including the opinions of Gary J. Lauby, Ph.D. (Tr. 207-210,  
8 211-214), Jay M. Toews, Ed.D. (Tr. 77-81, 82-83), Lauri Costello,  
9 M.D. (Tr. 216-217, 326-327), and the State agency psychologists (Tr.  
10 236-238). The ALJ will clearly explain the weight given to each  
11 opinion and the reason for such weight. As appropriate, the ALJ may  
12 request the treating and examining sources to provide additional  
13 evidence and further clarification of the opinions and medical  
14 source statements about what Plaintiff can still do despite the  
15 impairments (20 C.F.R. § 416.912). The ALJ will further evaluate  
16 Plaintiff's subjective complaints and provide rationale in  
17 accordance with the disability regulations pertaining to evaluation  
18 of symptoms (20 C.F.R. § 416.929 and Social Security Ruling 96-7p);  
19 the ALJ will give further consideration to Plaintiff's maximum  
20 residual functional capacity during the entire period at issue and  
21 will provide appropriate rationale with specific references to  
22 evidence of record in support of assessed limitations (Social  
23 Security Ruling 96-8p) and the ALJ's hearing decision will clearly  
24 articulate Plaintiff's maximum residual functional capacity in terms  
25 that are consistent with 20 C.F.R. § 416.945. The ALJ will obtain  
26 supplemental evidence from a vocational expert to clarify the effect  
27 of the assessed limitations on Plaintiff's occupational base (Social

1 Security Rulings 83-12 and 83-14); the ALJ's hypothetical questions  
2 will reflect the specific capacity/limitations established by the  
3 record as a whole; the ALJ will ask the vocational expert to  
4 identify examples of appropriate jobs and to state the incidence of  
5 such jobs in the national economy (20 C.F.R. § 416.966). Before  
6 relying on the vocational expert evidence, the ALJ will identify and  
7 resolve any conflicts between the occupational evidence provided by  
8 the vocational expert and information in the Dictionary of  
9 Occupational Titles (DOT) and its companion publication, the  
10 Selected Characteristics of Occupations (Social Security Ruling 00-  
11 4p); and on remand, this case will be assigned to a different ALJ,  
12 other than ALJ Richard Hines, pursuant to the provisions of Hallex  
13 I2-155(D)(11)(a).

14 **IT IS FURTHER ORDERED:**

15 1. The parties' Stipulated Motion to Remand (**Ct. Rec. 20**) is  
16 **GRANTED.**

17 2. Judgment shall be entered for the **PLAINTIFF.**

18 3. An application for attorney fees may be filed by separate  
19 motion.

20 The District Court Executive is directed to enter this Order,  
21 forward copies to counsel, and thereafter shall close this file.

22 DATED November 6, 2006.

23  
24 S/ CYNTHIA IMBROGNO  
25 UNITED STATES MAGISTRATE JUDGE  
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